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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,225	02/15/2002	Junichi Tanii	44084-507	7835

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EXAMINER	
JELINEK, BRIAN J	

ART UNIT	PAPER NUMBER
2615	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/075,225	TANII ET AL.	
	Examiner	Art Unit	
	Brian Jelinek	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 September 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *2/15/2002* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2/15/02, 7/16/03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This is a first office action in response to application no. 10/075,225 filed on 2/15/2002 in which claims 1-19 are presented for examination.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Election/Restrictions

Applicant's election of Species I in the reply filed on 9/9/2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 16, and 19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 9/9/2005.

Claim Objections

Claims 1-3 are objected to, please make the following changes to correct antecedent basis problems.

Regarding claim 1, please change "the image" in line 2 of the claim to "an image"; "the object" in lines 2-3 of the claim to "a main object"; and "the three-

dimensional configuration" in line 5 of the claim to "a three-dimensional configuration".

Regarding claim 2, please change "the overall image" in lines 5-6 of the claim to "an overall image".

Regarding claim 3, please change "the peripheral areas" in lines 2-3 of the claim to "peripheral areas"; and "the center area" in lines 2-4 of the claim to "a center area".

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 17 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter (MPEP § 2106, Functional Descriptive Material: "Data Structures Representing Descriptive Material Per Se or Computer Programs Representing Computer Listings Per Se").

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-4, 6-8, 10-15, and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by O'Mahony (U.S. Pat. No. 5,986,703).

Regarding claim 1, O'Mahony discloses a digital photographing apparatus comprising: an image sensor that obtains the image of the object (Fig. 6, element 80); and an image corrector that corrects image warp caused by the three-dimensional configuration of the main object due to the close proximity between the main object and the image sensor (Fig. 2; Fig. 6, element 88).

Regarding claim 2, O'Mahony teaches the image corrector corrects image warp caused by the three-dimensional configuration of the main object due to the fact that the image of the main object occupies a large percentage of the overall image, as well as due to the close proximity between the main object and the image sensor (col. 5, lines 20-31).

Regarding claim 3, O'Mahony discloses the image corrector enlarges the peripheral areas of the image relative to the center area (Fig. 2; Fig. 9, element 104).

Regarding claim 4, O'Mahony discloses the image corrector divides the image into multiple sections and enlarges the multiple sections using an enlargement rate corresponding to each section (Figs. 5 and 8A-8E).

Regarding claim 6, O'Mahony discloses a detector that detects the size of the image of the main object relative to the overall image and determines based

on this size whether or not correction by the image corrector is needed (col. 6, lines 12-59).

Regarding claim 7, O'Mahony discloses (i) a distance measuring device that measures the distance from the image sensor to the main object (Fig. 6, element 84), and (ii) a detector that determines based on this distance whether or not correction by the image corrector is needed (Fig. 6, element 88; Fig. 8C).

Regarding claim 8, O'Mahony discloses the image corrector performs correction in accordance with the correction level selected from among multiple correction levels, each representing a degree of correction (Figs. 8A-8E).

Regarding claim 10, O'Mahony discloses (i) a detector that detects the size of the image of the main object relative to the overall image, and (ii) a selector that selects a correction level based on this size (col. 6, lines 12-59).

Regarding claim 11, O'Mahony discloses (i) a distance measuring device that measures the distance from the image sensor to the main object (Fig. 6, element 84), and (ii) a selector that selects a correction level based on this distance (Fig. 6, element 88; Figs. 8A-8E).

Regarding claim 12, O'Mahony discloses a display that indicates that correction was performed by the image corrector (Fig. 1, elements 16 and 28) because the display displays the corrected image.

Regarding claim 13, O'Mahony discloses a data generator that generates correction data that indicates the contents of the correction carried out by the image corrector (Fig. 6, element 88).

Regarding claim 14, O'Mahony discloses a memory that stores the corrected image data together with the image data (Fig. 6, element 88) because the corrected image comprises the correction data.

Regarding claim 15, O'Mahony discloses the image corrector performs correction to the image data stored in the memory (Fig. 6, element 80) based on the correction data (Fig. 6, element 88).

Regarding claim 17, O'Mahony discloses a computer program that causes a computer to execute image processing (Fig. 10, element 110), wherein said image processing comprises: a step of preparing image data (Fig. 10, element 114); and a step of correcting, by processing the image data, image warp caused by the three-dimensional configuration of the main object due to the close proximity between the main object and the image sensor during image capture (Fig. 10, element 120).

Regarding claim 18, O'Mahony discloses an image processor comprising: a memory that stores image data (Fig. 6, element 80); and an image corrector that corrects, by processing the image data, image warp caused by the three-dimensional configuration of the main object due to the close proximity between the main object and the image sensor during image capture (Fig. 6, element 88).

Claims 1, 5, and 8-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Okisu et al. (U.S. Pat. No. 6,449,004).

Regarding claim 1, Okisu discloses a digital photographing apparatus comprising: an image sensor that obtains the image of the object (Fig. 1); and an

image corrector that corrects image warp caused by the three-dimensional configuration of the main object due to the close proximity between the main object and the image sensor (Fig. 13, OPC Calculation Unit).

Regarding claim 5, Okisu discloses a receiving device that receives from the operator a command to initiate correction by the image corrector (Fig. 1, element 14).

Regarding claim 8, Okisu discloses the image corrector performs correction in accordance with the correction level selected from among multiple correction levels, each representing a degree of correction (Fig. 2, 11A).

Regarding claim 9, Okisu discloses a receiving device that receives the operator's selection of a correction level from among the multiple correction levels (Fig. 2, 11A).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Jelinek whose telephone number is (571) 272-7366. The examiner can normally be reached on M-F 9:00 am - 5:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached at (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian Jelinek
11/28/2005

DAVID OMETZ
SUPERVISORY PATENT EXAMINER